Filed 19 August 2010

Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450 Tel: 571-272-4683

Fax: 571-272-4683

#### UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

HIROSHI **TAYANAKA**Junior Party
(Patent 6,107,213),

٧.

KIYOFUMI **SAKAGUCHI**, TAKAO YONEHARA and NOBUHIKO SATO
Senior Party
(Application 10/085,046).

Patent Interference No. 105,767 (JL) (Technology Center 2800)

DECLARATION - BD.R. 203(b)<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

## Part A. Declaration of interference

- 2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
- 3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
- 4 and claims designated as corresponding or as not corresponding to the count(s) appear
- 5 in Parts E and F of this DECLARATION.

## 6 Part B. Judge managing the interference

- 7 Administrative Patent Judge Jameson Lee has been designated to manage the
- 8 interference. Bd. R. 104(a).

1

## 9 Part C. Standing order

- 10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
- 11 DECLARATION. The STANDING ORDER applies to this interference.

#### 12 Part D. Initial conference call

- A telephone conference call to discuss the interference is set for 1:00 p.m. (EST)
- on 30 September 2010 (the Board will initiate the call).
- No later than four business days prior to the conference call, each party shall
- 16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
- 17 SO  $\P\P$  104.2.1, 120 & 204) the party intends to file.
- A sample schedule for taking action during the motion phase appears as Form 2
- 19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
- 20 the conference call and to agree on dates for taking action. A typical motion period
- 21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
- 22 for a shorter or longer period.

### Part E. Identification and order of the parties 1 Junior Party 2 HIROSHI TAYANAKA, Kanagawa, Japan Named inventor: 3 6,107,213 granted 22 August 2000 based on **Involved Patent:** 5 Application 08/818,239 filed 14 March 1997 6 Method for making thin film semiconductor Title: 7 **SONY Corporation** Assignee: 8 9 Senior Party 10 KIYOFUMI SAKAGUCHI, Isehara-shi, Japan Named Inventors: 11 TAKAO YONEHARA, Atsugi-shi, Japan 12 NOBUHIKO SATO, Yokohama-shi, Japan 13 14 10/085,046 filed 1 March 2002 Involved Application: 15 Process for production of semiconductor substrate Title: 16 17 Canon Kabushiki Kaisha 18 Assignee: 19 The senior party is assigned exhibit numbers 1001-1999. The junior party is 20 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party 21 is responsible for initiating settlement discussions. SO ¶ 126.1. 22 23 24 25 26 27

1	Part F. Count and cla	ims of the parties
2		Count 1
3	Claim 77	of Sakaguchi's Application 10/085,046
4		• ·
5	The claims of the partie	es are:
6	Tayanaka:	Claims 1-20
7	Sakaguchi:	Claims 77, 107, 135, 136, 138, 139, 142, and 157
8	The claims of the partie	es which correspond to Count 1 are:
9	Tayanaka:	Claims 1-6, 9-11, and 13-19
10	Sakaguchi:	Claims 77, 107, 135, 136, 138, 139, 142, and 157
11	The claims of the partie	es which do not correspond to Count 1, and therefore are
12	not involved in the interference	e, are:
13	Tayanaka:	Claims 7, 8, 12, and 20
14	Sakaguchi:	None
15		
16	The parties are accord	ed the following benefit:
17 18 19	Tayanaka:	JP P08-234480 filed 4 September 1996 JP P08-061552 filed 18 March 1996
20 21 22 23	Sakaguchi:	09/161,775 filed 29 September 1998 08/863,717 filed 27 May 1997 08/401,237 filed 9 March 1995
24 25 26 27		Patent 6,246,068 granted 12 June 2001 based on Application 09/212,432 filed 16 December 1998
28 29		Patent 5,854,123 granted 29 December 1998 based on Application 08/729,722 filed 7 October 1996
	•	-4-

;

1 2 3	Patent 6,294,478 granted 25 September 2001 based on Application 08/807,604 filed 27 February 1997
3 4 5 6 7 8 9 10	09/933,711 filed 22 August 2001 09/840,895 filed 25 April 2001 JP 6-039389 filed 10 March 1994 JP 7-045441 filed 6 March 1995 JP 7-260100 filed 6 October 1995 JP 8-041709 filed 28 February 1996 JP 8-264386 filed 4 October 1996
12	Part G. Heading to be used on papers
13 14 15 16	The following heading must be used on all papers filed in this interference, see SO $\P$ 106.1.1:
17 18 19	UNITED STATES PATENT AND TRADEMARK OFFICE
20	
21 22 23	BEFORE THE BOARD OF PATENT APPEALS  AND INTERFERENCES
24	LUDOCHITAVANAKA
25 26	HIROSH <b>I TAYANAKA</b> Junior Party
20 27	(Patent 6,107,213),
28	
29	V.
30	MACHINI CAMACHOLII TAKAO VONELIADA
31	KIYOFUMI <b>SAKAGUCHI</b> , TAKAO YONEHARA and NOBUHIKO SATO
32 33	Senior Party
34	(Application 10/085,046).
35	
37	
38	Patent Interference No. 105,767 (JL)
39	(Technology Center 2800)
49 42	·
42	
.0	

1	Part H. Order form for requesting file copies
2	When requesting copies of files, use of SO Form 4 will greatly expedite
3	processing of the request. Please attach a copy of Parts E and F of this
4	DECLARATION with a hand-drawn circle around the patents and applications for which
5	a copy of a file wrapper is requested.
6 7 8 9 10 11 12	/JAMESON LEE/ Administrative Patent Judge  Enc:
14 15 16 17 18 19 20	Copy of STANDING ORDER
21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	Revised 3 January 2006

1	cc (via overnight delivery):
3	Attorney for Tayanaka:
5	SONNENSCHEIN NATH & ROSENTHAL LLP
6	233 South Wacker Drive, Suite 7800 Chicago, IL 60606-6404
8	Criicago, ie 00000-0404
9	Attorney for Sakaguchi:
10	
11	FITZPATRICK CELLA HARPER & SCINTO
12	1290 Avenue of the Americas
13	New York, N.Y. 10104-3800

·

·